

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

PHILLIP TATE,)	CASE NO. 1:03 CV 0037
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	<u>JUDGMENT ENTRY</u>
SGT. LINDA FADA, <u>et al.</u> ,)	
)	
Defendants.)	

This court having contemporaneously filed its Memorandum of Opinion in this case, it is therefore ORDERED that Mr. Tate's claims of retaliation against Warden Anderson and Sgt. Fada, and his claims of racial discrimination are dismissed without prejudice pursuant to 42 U.S.C. § 1997e. His First Amendment access to the courts claims, his Eighth Amendment claims, and his claims against Cheryl Jorgenson-Martinez are dismissed with prejudice pursuant to FED. R. CIV. P. 12(b)(6). Further, the court CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

/s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

DATE: May 3, 2005